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EXAMINER

CHANKONG, DOHM

ART UNIT	PAPER NUMBER
2152	

DATE MAILED: 10/11/2005

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary

Application No.

09/818,660

Applicant(s)

TOMITA, ATSUSHI

Examiner

Dohm Chankong

Art Unit

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-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 19 July 2005.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-20 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1-20 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
- ☐ Certified copies of the priority documents have been received.
 - ☐ Certified copies of the priority documents have been received in Application No. _____.
 - ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|---|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413) |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | Paper No(s)/Mail Date. _____ |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08) | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152) |
| Paper No(s)/Mail Date _____ | 6) <input type="checkbox"/> Other: _____ |

DETAILED ACTION

1> This action is in response to Applicant's remarks. Claims 1-20 are presented for further examination.

2> This is a non-final rejection.

Response to Arguments

3> Applicant's arguments in Applicant's response, with respect to the rejection(s) of claim(s) 1-20 have been fully considered and are persuasive. Therefore, the rejection has been withdrawn. However, upon further consideration, a new ground(s) of rejection is made in view of new prior art references.

Claim Rejections - 35 USC § 112

The following is a quotation of the second paragraph of 35 U.S.C. 112:

The specification shall conclude with one or more claims particularly pointing out and distinctly claiming the subject matter which the applicant regards as his invention.

4> Claims 2 and 6 are rejected under 35 U.S.C. 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention.

a. Specifically, claim 2 contains vague and unclear language : "...further comprises a memory for storing the destination information on the central management apparatus". This language suffers from two issues : (1) it is unclear if the

destination is stored on the management apparatus or the central management apparatus; and (2) otherwise, the term suffers from lack of proper antecedent basis because the previous antecedent was "destination information on the equipment management apparatus" and not the central management apparatus.

b. Claim 6 is rejected for containing contradictory functionality to its parent claim. Specifically, claim 1 discloses a central management apparatus transmitting data to a data processor in advance of installing new equipment management apparatus. Claim 6 claims a central management apparatus transmitting data to a data processor after the equipment management apparatus has been registered (and installed). The functionality in the dependant claim is in direct opposition to what is claimed in its parent with no claim language to explain how the functions would operate together. Therefore, claim 6 is unclear.

Claim Rejections - 35 USC § 103

The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

5> Claims 1-3, 6, 9-13 and 17-20 are rejected under 35 U.S.C § 103(a) as being unpatentable over Smith et al, U.S Patent No. 6.785.015 ["Smith"] in view of L'Heureux et al, U.S Patent No. 6.697.942 ["L'Heureux"].

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6> As to claim 1, Smith discloses an equipment management system for managing equipment by an equipment management apparatus for acquiring management information from the equipment and a central management apparatus for centrally managing management information making packet data communication via a network over which a data processor is connected, the central management apparatus comprising:

a transmission controller for transmitting to the data processor packet data containing connection check data addressed to the newly installed equipment management apparatus [Figure 1 | column 2 «lines 40-49» | column 9 «line 50» to column 10 «line 11» | column 15 «lines 5-30» where : the system manager corresponds to a central management apparatus, the mail I/O (email server) corresponds to a data processor, the email message containing default parameters to initialize a peripheral];

the new equipment management apparatus comprising:

a reception controller for acquiring the packet data containing the connection check data transmitted to the apparatus before starting equipment management [Figure 2 «item 204» | column 1 «lines 16-27» | column 2 «lines 50-67» | column 6 «lines 34-51» | column 15 «lines 26-30» : peripheral needs to be initialized before it can be used or managed by the printer controller].

Smith does not expressly disclose that the central management apparatus transmits to the data server in advance of installing the peripherals.

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7> However it is clear based on Smith's email functionality, that the email containing peripheral settings and commands can be sent ahead of time to the message I/O for storage. For example, in an analogous art, L'Heureux is directed towards remote device management utilizing email messages. The purpose of the email messages is to enable the managed devices to download the email when they come online or are turned on in the network [column 3 «lines 25-31»]. Thus it would have been obvious to one of ordinary skill in the art to modify Smith's email message capability such that the email messages are transmitted to the data processor regardless of whether or not the managed device is available or not. Such an implementation is inherent in email functionality and is desirable because it allows system managers to transmit parameters and commands when the devices are not available.

8> As to claim 2, Smith discloses packet data containing the connection check data further comprising destination information on the equipment management apparatus, and the equipment management apparatus further comprising a memory for storing the destination information on the central management apparatus [column 5 «lines 17-39»].

9> As to claim 3, Smith discloses packet data containing the connection check data further comprising initial setting information on the equipment management apparatus, and the equipment management apparatus further comprises an initial setting controller for providing initial settings relevant to the apparatus itself based on the initial setting information [column 10 «lines 42-65» | column 15 «lines 26-30»].

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10> As to claim 6, Smith discloses the central management apparatus further comprising an operating unit for registering information concerning an equipment management apparatus newly installed, and the transmission controller transmits the packet data containing the check data to the data processor in response to registration of information concerning the equipment management apparatus newly installed [column 13 «lines 26-33» where : the management apparatus must register its email address with the alias store so the central management apparatus knows which address to send the email].

11> As to claim 9, Smith discloses a network including internet [column 4 «lines 47-57»].

12> As to claim 10, Smith discloses a equipment to be managed is an image forming apparatus for forming an image on a sheet [column 1 «lines 21-27»].

13> As to claim 11, Smith and L'Heureux disclose the limitations previously claimed in claim 1. Further, Smith discloses starting equipment management, after the connection check data has been normally acquired, by the equipment management apparatus [column 15 «lines 26-30» | column 16 «lines 7-16» | column 17 «lines 7-11»].

14> As to claims 12 and 13, as they are merely claims to methods that outline the steps executed by the system of claims 3 and 4 respectively, they do not teach or further define over the claimed limitations. Therefore claims 12 and 13 are rejected for the same reasons set forth for claims 3 and 4.

15> As to claims 17 and 18, Smith discloses the data processor as a mail server [column 9 «line 58» to column 10 «line 11»] or a server [column 2 «line 44-49»].

16> As to claims 19 and 20, as they do not teach or further define over the claimed limitations, they are rejected for the same reasons set forth for claims 17 and 18.

17> Claims 4 and 5 are rejected under 35 U.S.C § 103(a) as being unpatentable over Smith and L'Heureux, in further view of Frantz, U.S Patent No. 6.003.070.

18> As to claims 4 and 5, Smith fails to expressly teach a display controller for displaying predetermined information on a display device.

19> In a related field of invention, Frantz is directed towards an email system for equipment monitoring and control. Frantz discloses an equipment management apparatus further comprising a display controller for displaying a predetermined information on a display device in response to acquisition of the connection check data by the reception controller [column 2 «lines 15-30» | column 4 «lines 52-58» | column 5 «lines 14-20 and 45-49»], the display device provided at an operating panel of equipment to be managed [column 5 «lines 45-49» : “screen displays”].

It would have been obvious to one of ordinary skill in the art to incorporate Frantz's

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display teachings into Smith's equipment management system such that the translated commands (from the email) can be displayed on the screen display of the equipment to be managed. Such an implementation enables a user at the equipment to be notified of the status of the equipment.

20> Claims 7-8 and 14-16 are rejected under 35 U.S.C § 103(a) as being unpatentable over Smith and L'Heureux, in further view of Motoyama et al, U.S Patent No. 6,581,092 ["Motoyama"] and Applicant's admitted prior art ["AAPA"].

21> As to claim 7, Smith discloses that the equipment management apparatus is capable of being connected to multiple communications systems [column 4 «lines 47-57»] but does not explicitly disclose that the transmission controller determines a type of system of communication with an equipment management apparatus newly installed, and in the case where the communication system is the second communication system, the controller waits for reception of initial transmission data transmitted from the equipment management apparatus newly installed, and transmits connection check data.

22> Motoyama discloses determining the type of system of communication with an equipment management apparatus newly installed, and in the case where the communication system is the second communication system, transmits connection check data [column 6 «lines 37-62» | column 16 «line 46» to column 17 «line 33»].

AAPA further discloses that the controller waits for reception of initial transmission

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data transmitted from the equipment management apparatus newly installed before transmitting [Specification : page 1 «line 17» to page 2 «line 19»].

It would have been obvious to one of ordinary skill in the art to incorporate Motoyama's connection determination functionality and AAPA's transmission waiting functionality into Smith and L'Heureux's equipment management system for the added benefit of being able to utilize multiple lines of connection-oriented and connectionless-oriented transmissions to insure that the device receives his data even when a line goes down. Furthermore, AAPA discloses waiting for an initial transmission data from the management apparatus to insure that the apparatus is connected to the internet before transmitted the required connection data, thus providing another level of error-checking.

23> As to claim 8, Smith does not disclose the second communication system is a communication system that utilizes a public telephone circuit network.

24> Motoyama discloses multiple communications system including a public telephone circuit network [Figure 4 «item 224»]. It would have been obvious to one of ordinary skill in the art to implement a variety of communication systems into Smith and L'Heureux's equipment management system. The combination is reasonable as Motoyoma discusses how his invention is applicable to all kinds of various equipment including the printers disclosed in Smith [see Motoyoma, column 8 «lines 63-67»].

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25> As to claim 14, as it does not teach or further define over the previously claimed limitations, it is similarly rejected for at least the same reasons set forth for claims 1, 6 and 7.

26> As to claim 15, as it does not teach or further define over the previously claimed limitations, it is similarly rejected for at least the same reasons set forth for claim 9.

27> As to claim 16, as it does not teach or further define over the previously claimed limitations, it is similarly rejected for at least the same reasons set forth for claim 8.

28> Claims 1-6, 9, 11-13 and 17-201 are rejected under 35 U.S.C § 103(a) as being unpatentable over Kraslavsky et al, U.S Patent No. 5,537,626 ["Kraslavsky"] in view of L'Heureux et al.

29> As to claim 1, Kraslavsky discloses an equipment management system for managing equipment by an equipment management apparatus for acquiring management information from the equipment and a central management apparatus for centrally managing management information making packet data communication via a network over which a data processor is connected, the new equipment management apparatus comprising:

a reception controller for acquiring the packet data containing the connection check data transmitted to the apparatus from a data processor before starting equipment management [Figure 3 «item 2» | Figure 4 | column 13 «lines 29-45 and 56-61» | column 13 «line 66» to column 14 «line 4» | column 15 «lines 33-42» | column 33 «lines 33-36» where : Kraslavsky's NEB corresponds to the equipment management apparatus, and the NEBs

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various applications (CPSOCKET, CPINIT) correspond to controllers. The NEB manages the operations of the printer. Kraslavsky clearly discloses scenarios when the NEB is first initialized, default settings are downloaded from a download facility (the network administrator's PC for instance) and this corresponds to a data processor].

Based on the above mapping, Kraslavsky fails to teach a central management apparatus that transmits the default settings to the data processor.

30> However, Kraslavsky discloses a central management apparatus [Figure 2 «item 70» | column 4 «lines 32-34» : server having a 'library' of files that may be transmitted and processed on the LAN] communicating with a data processor [Figure 1 «items 14, 18» | Figure 2 «item 72» | column 4 «lines 27-29» : where Kraslavsky discloses administrative PCs acting as servers]. And as discussed in the previous paragraph, Kraslavsky discloses an equipment management apparatus (NEB) managing equipment (printer) and downloading default setting information from the data processor.

In a similar field of invention, L'Heureux discloses a central management apparatus with a transmission controller for transmitting packet data to a data processor in advance of installing a new equipment management apparatus [Figure 1 «item 110, 130, 160» | Figure 2 | column 2 «lines 59-61» | column 3 «lines 25-31» where : the provider PC corresponds to a central management apparatus that forms the packet data with management information, the POP provider corresponds to a data processor that stores the email. The email is sent to the email server regardless of whether or not the apparatus has been installed, the email containing configuration, setting information for devices]. It would have been obvious to one

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of ordinary skill in the art to incorporate L'Heureux's data transmission functionality into Kraslavsky's equipment management system to enable transmission of the packet data in advance. So in implementing L'Heureux's innovation into Kraslavsky, L'Heureux's provider PC is analogous to Kraslavsky's server and the POP server is analogous to the administrator's computer. Thus, Kraslavsky's server is enabled to send management information to the administrator's computer subsequent to being downloaded by the NEB, management apparatus, of the printer.

L'Heureux teaches that utilizing email messages for the task enables a wider variety of the types of data to be used to configure remote devices or provide setting information for devices and enables administrators to preset configuration information without having to manually type them in [column 2 «lines 59-61» | column 3 «lines 3-19»]. Thus, Kraslavsky is improved by enabling an automatic means for initializing and configuring his NEB and printer devices. Additionally, L'Heureux's email implementation in Kraslavsky's system would incorporate the inherent and well known advantages of email services, such as the ability to transmit messages to user devices without requiring the user device, such as the NEB and printer, to be online. Furthermore, Kraslavsky suggests that the configuration information can be downloaded to the equipment management apparatus when the apparatus is first installed which would benefit from having the information being sent to the data processor in advance.

31> As to claim 2, Kraslavsky discloses packet data containing the connection check data further comprising destination information on the equipment management apparatus, and

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the equipment management apparatus further comprising a memory for storing the destination information on the central management apparatus [column 10 «lines 17-19» | column 23 «lines 33-35» | column 28 «lines 23-33»].

32> As to claim 3, Kraslavsky discloses packet data containing the connection check data further comprising initial setting information on the equipment management apparatus, and the equipment management apparatus further comprises an initial setting controller for providing initial settings relevant to the apparatus itself based on the initial setting information [column 13 «lines 54-61» | column 15 «lines 31-42»].

33> In regards to claims 4 and 5, Kraslavsky discloses equipment management apparatus comprising a display controller for displaying predetermined information on a display device in response to acquisition of the connection check data by the reception controller [column 8 «lines 24-35»], the display device provided at an operating panel of equipment to be managed [column 6 «lines 39-44»].

34> As to claim 6, Kraslavsky discloses central management apparatus further comprising an operating unit for registering information concerning an equipment management apparatus newly installed [column 14 «lines 5-15» : “provide device information, basic information, application information...”], and the transmission controller transmits the packet data containing the connection check data to the data processor in response to registration of information concerning the equipment management apparatus newly installed

35> As to claim 9, Kraslavsky discloses a network including Internet [column 11 «lines 13-17»].

36> As to claim 10, Kraslavsky discloses equipment to be managed as an image forming apparatus for forming an image on a sheet [abstract : printers].

37> As to claim 11, Kraslavsky and L'Heureux disclose the limitations previously claimed in claim 1. Further, Kraslavsky discloses starting equipment management, after the connection check data has been normally acquired, by the equipment management apparatus [column 33 «line 33-43»].

38> As to claims 12 and 13, as they are merely claims to methods that outline the steps executed by the system of claims 3 and 4 respectively, they do not teach or further define over the claimed limitations. Therefore claims 12 and 13 are rejected for the same reasons set forth for claims 3 and 4.

39> As to claim 17, Kraslavsky does not explicitly disclose the data processor as a mail server.

40> L'Heureux discloses a data processor as a mail server [Figure 1 «item 110, 130, 160» | column 2 «lines 59-61» | column 3 «lines 25-31»]. It would have been obvious to one of

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ordinary skill in the art to implement Kraslavsky's server as an email server, such as the one disclosed by L'Heureux in his remote management system, and enable transmitting the packet data in advance. L'Heureux teaches that utilizing email messages for the task enables a wider variety of the types of data to be used to configure remote devices. As is well known in the art, such an email implementation in Kraslavsky's system would incorporate the inherent and well known advantages of email services, such as the ability to transmit messages to user devices without requiring the user device to be online and the ability for an administrator to automate the device initialization process.

41> As to claim 18, Kraslavsky discloses the equipment management system of claim 1 wherein the data processor is a server [Figures 1 and 2 | column 7 «lines 41-48»].

42> As to claims 19 and 20, as they do not teach or further define over the claimed limitations, they are rejected for the same reasons set forth for claims 17 and 18.

43> Claims 7-8 and 14-16 are rejected under 35 U.S.C § 103(a) as being unpatentable over Kraslavsky and L'Heureux, in further view of Motoyama and Applicant's admitted prior art ["AAPA"].

44> As to claim 7, Kraslavsky discloses that the equipment management apparatus is capable of being connected to multiple communications systems [column 7 «lines 49-53»] but does not explicitly disclose that the transmission controller determines a type of system of

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communication with an equipment management apparatus newly installed, and in the case where the communication system is the second communication system, the controller waits for reception of initial transmission data transmitted from the equipment management apparatus newly installed, and transmits connection check data.

45> Motoyama discloses determining the type of system of communication with an equipment management apparatus newly installed, and in the case where the communication system is the second communication system, transmits connection check data [column 6 «lines 37-62» | column 16 «line 46» to column 17 «line 33»].

AAPA further discloses that the controller waits for reception of initial transmission data transmitted from the equipment management apparatus newly installed before transmitting [Specification : page 1 «line 17» to page 2 «line 19»].

It would have been obvious to one of ordinary skill in the art to incorporate Motoyama's connection determination functionality and AAPA's transmission waiting functionality into Kraslavsky and L'Heureux's equipment management system for the added benefit of being able to utilize multiple lines of connection-oriented and connectionless-oriented transmissions to insure that the device receives his data even when a line goes down. Furthermore, AAPA discloses waiting for an initial transmission data from the management apparatus to insure that the apparatus is connected to the internet before transmitted the required connection data, thus providing another level of error-checking.

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46> As to claim 8, Kraslavsky does not disclose the second communication system is a communication system that utilizes a public telephone circuit network.

47> Motoyama discloses multiple communications system including a public telephone circuit network [Figure 4 «item 224»]. It would have been obvious to one of ordinary skill in the art to implement a variety of communication systems into Kraslavsky and L'Heureux's equipment management system. The combination is reasonable as Motoyoma discusses how his invention is applicable to all kinds of various equipment including the printers disclosed in Kraslavsky [column 8 «lines 63-67»].

48> As to claim 14, as it does not teach or further define over the previously claimed limitations, it is similarly rejected for at least the same reasons set forth for claims 1, 6 and 7.

49> As to claim 15, as it does not teach or further define over the previously claimed limitations, it is similarly rejected for at least the same reasons set forth for claim 9.

50> As to claim 16, as it does not teach or further define over the previously claimed limitations, it is similarly rejected for at least the same reasons set forth for claim 8.

Conclusion

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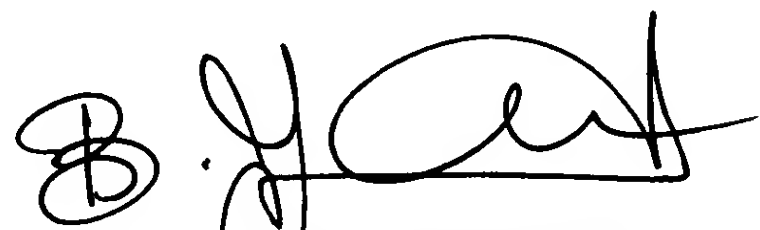
Any inquiry concerning this communication or earlier communications from the examiner should be directed to Dohm Chankong whose telephone number is (571)272-3942.

The examiner can normally be reached on 8:30AM - 5:30PM.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Bunjob Jaroenchonwanit can be reached on **(571)272-3913**. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

DC



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PRIMARY EXAMINER